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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/652,325 | 08/29/2003 | William Joseph Butsch | 9350 | 1633 |

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| EXAMINER |
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DEXTER, CLARK F

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| ART UNIT | PAPER NUMBER |
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3724

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02/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|-----------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/652,325 | BUTSCH ET AL. |
| | Examiner Clark F. Dexter | Art Unit 3724 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 October 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-5,7 and 8 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-5,7 and 8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 15, 2007 has been entered.

Claim Rejections - 35 USC § 112, 1st paragraph

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 3-5, 7 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not clear how the claimed/disclosed apparatus operates. That is, it is not clear how the disclosed apparatus, which includes a bedroll that rotates at a first circumferential velocity and a chop off roll that rotates at a second circumferential

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velocity distinct from the first circumferential velocity, will operate such that the blades of each roll rotationally mesh, particularly since with the roller velocities being different, the blades on one of the rolls will not maintain their alignment with respect to the corresponding blades on the other roll such that they will interfere with one another and/or they will be misaligned to the point that they do not mesh.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNeil, pn 4,919,351 in view of Nystrand et al., pn Re 28,353.

Regarding claims 1, 3 and 5, McNeil discloses an apparatus with almost every structural limitation of the claimed invention including

a bedroll (e.g., 21) having a circumference, the bedroll being disposed such that the web material passes around at least a portion of the circumference of the bedroll in a direction of travel of the web material, wherein the bedroll is disposed generally transverse to the direction of travel of the web material, the bedroll comprising a shell and a bedroll chop off assembly (e.g., 31 33), the bedroll chop off assembly comprising at least one web pin (e.g., 33) and at least one bedroll blades (e.g., 31) having a distal portion, the bedroll blade being disposed generally transverse to the direction of travel of the web material at a bedroll blade spacing, wherein the distal portions of the at least one bedroll blade and the at least one web pin are capable of extending beyond the shell of the bedroll, wherein the bedroll blade rotates at a first circumferential velocity,

b) a chop off roll (e.g., 23) disposed proximate and generally parallel to the bedroll, the chop off roll comprising at least one pin pad (e.g., 34, 34) capable of circumferentially interfering with the at least one web pin, the chop off roll further comprising at least two chop off roll blades (e.g., 32) disposed generally transverse to the direction of travel of the web at a chop off roll blade spacing, the at least two chop off roll blades being capable of rotationally meshing with the at least one bedroll blade, and wherein the at least two chop off roll blades rotate at a second circumferential velocity, wherein the second circumferential velocity;

[claim 3] wherein the bedroll comprises at least two bedroll blades (e.g., 31) disposed at a bedroll blade spacing;

[claim 5] wherein the at least one web pin passes through at least a portion of the at least one pin pad.

McNeil lacks the second circumferential velocity being distinct from the first circumferential velocity. However, it is respectfully submitted that McNeil discloses that the bedroll is motor rotated (e.g., see col. 4, line 41), and McNeil further discloses "a motor" for rotatably driving the chop off roll (e.g. see col. 4, line 55). Thus, it appears that McNeil discloses separate independent motors for each roll. It is noted that McNeil does disclose that the shafts 22 and 27 are driven in timed relation by means not shown (see col. 5, lines 5-7), but McNeil does not disclose what this means is (e.g., the means could be a computer that provides a signal to each independent motor to determine its operating speed). However, McNeil does not disclose that these motors are capable of driving the rolls at different speeds. However, it is old and well known in the art to provide variable speed motors for various known benefits including for driving rolls at any desired speed based on various well known considerations including the type of workpiece or the desired speed of processing. Therefore, it would have been obvious to one having ordinary skill in the art to make the motor of each roll a variable speed motor to gain the well known benefits including driving the rolls at any desired speeds. While McNeil would use such independent variable speed motors such that they operate at the same speed, it is respectfully submitted that they would be fully capable of operating at different speeds.

Further, McNeil lacks the at least one bedroll blade having a serrated web contacting edge. Nystrand '353 discloses such a bedroll blade (e.g., 59, see Fig. 10)

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having a serrated web contacting edge (e.g., 59a, 59b) and teaches that during operation, "the web is impaled upon the teeth 59b" thus facilitating the applying of tension to the web. Therefore, it would have been obvious to one having ordinary skill in the art to provide a serrated web contacting edge on the bedroll blade of McNeil for the benefits taught by Nystrand '353 including that described above.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of McNeil, pn 4,919,351 in view of Nystrand et al., pn Re 28,353 as applied to claims 1 and 3 above, and further in view of Wilson et al., pn 6,851,642.

The combination discloses and/or teaches an apparatus with almost every structural limitation of the claimed invention as described above, but lacks the bedroll blade spacing being distinct from the chop off roll blade spacing. Wilson discloses an apparatus wherein the bedroll blade spacing being distinct from the chop off roll blade spacing and teaches that such a relationship is beneficial and contributes to a particularly efficient web cutting event with relative little damage and wear of the chopper roll blades (e.g., see col. 5, lines 7-13). Therefore, it would have been obvious to one having ordinary skill in the art to provide the bedroll blade spacing being distinct from the chop off roll blade spacing for the benefits taught by Wilson including those described above.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of McNeil, pn 4,919,351 in view of Nystrand et al., pn Re 28,353 as applied to claim 1 above, and further in view of Ba Dour, Jr. et al., pn 6,179,241.

The combination discloses and/or teaches an apparatus with almost every structural limitation of the claimed invention as described above, and further includes the at least one pin pad is capable of circumferentially interfering with at least one of the web pins, and wherein the chop off roll further comprises a plurality of web pads (e.g., 34, 34) disposed generally transverse to the direction of travel of said web, and wherein at least one of the chop off roll blades is capable of rotationally meshing with the at least one bedroll blade.

McNeil lacks the at least two chop off roll blades comprising three blades disposed generally parallel each to the others and generally transverse to the direction of travel of the web. More specifically, McNeil discloses an embodiment wherein the chop off roll comprises two blades (e.g., see Fig. 3) but does not disclose an embodiment wherein the chop off roll comprises at least three blades. However, it is old and well known in the art, particularly the web cutting/separating arts, to provide more than one cutting/separating assembly on a roll. As one example, it is old and well known in the art to provide two cutting/separating assemblies on a rotating component 180 degrees apart and that such a configuration provides well known benefits including providing a more efficient operation wherein the rotating component can be rotated at half speed to provide the same number of cuts/separations, or the component can be rotated at the same speed to provide twice the number of cuts/separations. Such a configuration also provides the well known benefit of facilitating less maintenance and longer runs because the cutting/separating assemblies are used half as much. Ba Dour, Jr. discloses one example of providing two cutting assemblies that have the same

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configuration 180 degrees apart. Therefore, it would have been obvious to one having ordinary skill in the art to provide a second cutting/separating assembly on the apparatus of McNeil (e.g., on the opposing flat surface 44) for the well known benefits including those described above.

Response to Arguments

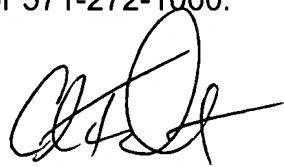
8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. It is noted that while the references remain the same, the prior art rejection with respect to the application of McNeil has been changed as described in detail above.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Clark F. Dexter
Primary Examiner
Art Unit 3724**

cfd
February 4, 2008